

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases

Case No.: 5:16-cv-10444

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

**ADDENDUM TO CONFIDENTIALITY ORDER RELATED TO
PRODUCTION OF MEDICAL, EDUCATIONAL, INSURANCE,
EMPLOYMENT AND GOVERNMENTAL RECORDS OF PLAINTIFFS**

WHEREAS this Court entered a Confidentiality Order on December 19, 2017, Dkt. No. 299 (“Confidentiality Order”), which governs the permitted use and manner of dissemination of Confidential Material, as defined in that order;

WHEREAS the Confidentiality Order envisions the production of Confidential Material by parties and nonparties that may be designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only”, with the restrictions of use as further delineated in the Confidentiality Order;

WHEREAS both the “Confidential” and “Highly Confidential – Attorneys Eyes Only” designations in the Confidentiality Order envision that Confidential Material designated under either such category shall be available to all parties (or their counsel) in any Federal Flint Water Case or State Flint Water Case;

WHEREAS it is appropriate to restrict the distribution of some highly personal Confidential Materials that are medical, educational, insurance,

employment or governmental records related to individual plaintiffs (hereinafter, “Plaintiffs’ Records”) more narrowly;

WHEREAS the parties further envision that a contractor will be retained by counsel for Defendants in various Federal and State Flint Water Cases to manage the gathering of Plaintiffs’ Records in the discovery process and will assist in restricting distribution of Plaintiffs’ Records (hereinafter “Defendants’ Contractor for Plaintiffs’ Records”);

WHEREAS the Court has found based upon the submissions of the parties and its own experience, and in accordance with Fed. R. Civ. P. 26(c) and E.D. Mich. L.R. 26.4, that there is good cause for entry of this addendum to the Confidentiality Order, hereby ORDERS as follows:

1. Application to Plaintiffs’ Records.

This Addendum shall apply to Plaintiffs’ Records and allows a more narrow distribution of Plaintiffs’ Records than the distribution of Confidential Materials that is permissible in the Confidentiality Order.

2. Restricted Distribution Designation.

Any Plaintiff may elect to opt for a more narrow distribution of their Plaintiffs’ Records by applying, or requesting that the Defendants’ Contractor for Plaintiffs’ Records apply, a “Restricted Distribution” designation to such Plaintiffs’ Records in advance of their distribution. The “Restricted Distribution” legend shall

be placed, to the extent practical, on each page of the document so as not to obscure any information contained in the document and close to any Bates number assigned to the document.

3. Dissemination of Restricted Distribution Materials.

If a “Restricted Distribution” designation has been applied to Plaintiffs’ Records, the parties (or their counsel) eligible to receive the documents shall be as set forth in the Confidentiality Order, except that only those Defendants (or their counsel) who are named as Defendants in any state or federal action brought by the Plaintiff who has requested the Restricted Distribution shall be entitled to receive the Plaintiffs’ Records. Distribution of Plaintiffs’ Records to plaintiffs shall remain as set forth under the current Confidentiality Order.

4. Confidentiality Designation.

To the extent that a Defendant obtains Plaintiffs’ Records from a third party in discovery pursuant to a records authorization executed by a plaintiff, then either the producing third party or the Defendants’ Contractor for Plaintiffs’ Records shall also designate the records as “Confidential” in the manner set forth in paragraph 8 of the Confidentiality Order, prior to dissemination of the Plaintiffs’ Records.

5. Continued Application of the Confidentiality Order.

With the exception of the heightened restrictions set forth in this Addendum, the provisions of the Confidentiality Order shall continue to apply to Plaintiffs’

Records.

IT IS SO ORDERED.

Dated: March 18, 2019

s/Judith E. Levy

JUDITH E. LEVY

United States District Judge